

The Effects of Title IX on High School and Collegiate Athletics

An Honors Thesis (HONRS 499)

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I. Introduction

““ No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance”” (Holhut 1). This statement has caused a revolution in high school and collegiate athletics over the past three decades. The declaration is commonly referred to as Title IX, which is part of the Educational Amendments Act of 1972. (Holhut 2) Although the initial goal of Title IX was to give females the opportunities to study and enter male-dominated professions, the legislation has altered the state of athletic nationwide. The act “...requires that numbers of both sexes have equal opportunity to participate in sports and receive the benefits of competitive athletics” (nwlc.org). In addition, Title IX forces that athletic scholarships be allotted justifiably and that men and women should be treated fairly. (nwlc.org) In conjunction with several pieces of legislation and the precedents created in the court systems, Title IX has played a vital role in initiating opportunities for high school and collegiate female athletes.

Since the 1972 act barring sex discrimination in education, the state of scholastic and intercollegiate athletics has endured significant changes. For example, the participation rates for females who are participating in collegiate athletics are equal to four times the pre-Title IX rate. According to data compiled from the 1997-1998 athletic season, women represented approximately forty percent of the collegiate athletes nationwide. (nwlc.org) Title IX has led to many transformations in the high school athletic programs as well. The pre-Title IX participation rate of high school female

ABSTRACT

Our analysis of the Effects of Title IX on High School and Collegiate Athletics is comprised of two main sections. The first section deals entirely with the issue of high school sports and the impact that the Educational Amendments Act of 1972 has had upon them over the past thirty years. This section includes an overview of significant court cases, comparisons of participation numbers during the period, the benefits of participating in athletics, and information from personal interviews. The second major section outlines the effects of Title IX on collegiate athletics. This part contains a summary of the varying opinions surrounding the Title IX legislation, major court cases involving institutions of higher education, the effects of Title IX on the scope of collegiate athletics, and finally a comparison of data from budgets, expenses, and scholarship funds that are allocated to female athletes. The collaboration of these distinct sections creates a portrait of the overall state of athletics in the United States thirty years after the inception of Title IX.

athletes equaled 300,000. The number of participants increased to approximately 2.65 million individuals by the 1999 school year. (hwlc.org)

Female participation in athletics is an important component in achieving a state of gender equity in the United States. The competitive sports offer a great deal to female athletes that partake in them at any level. Participation in athletics "...promotes responsible social behaviors, greater academic success, and increased personal skills" (nwlc.org). In addition, female participants learn important life skills, such as working in group settings and creating goals. Playing sports also helps young females to "...develop self-confidence, perseverance, dedication, and the competitive edge" (nwlc.org) Women that play sports also endure psychological and health benefits as well, particularly in raising self-esteem and decreasing the risk of developing diseases. Thus, the increased number of females participating in athletics at the high school and collegiate level is a benefit for the women themselves and for the society as a whole.

The support and enforcement of Title IX comes through the legal system of the United States. Several court cases dealing with Title IX issues have surfaced in the past few decades, enhancing the level of gender equity in the high schools, colleges, and universities across the country. The principal cases related to gender equity issues in high school athletics include a case against the Virginia High School league and the *Franklin v. Gwinnett County Public Schools*. In *Franklin v. Gwinnett County Public Schools*, a precedent was created when the plaintiffs became entitled to receive money when schools were not in compliance with Title IX. This 1992 case was integral in the evolution of the enforcement of Title IX because schools were now held accountable for their lack of compliance. A similar verdict was reached in the Virginia case as the courts

ruled that the league violated Title IX and the “Equal Protection Clause” of the Fourteenth Amendment. The judge ordered the Virginia schools to realign women’s sports with the traditional seasons and granted a \$17,000 settlement to each of the eleven plaintiffs. (womenssportsfoundation.org)

Similarly, several vital cases affecting the state of gender equity in collegiate athletics have surfaced in the past thirty years. Perhaps the most substantial case involving a college or university is *Brown v. Cohen*. In this case, a female gymnast filed a suit against Brown University, contending that the school was not responding to the Title IX compliance standards. Although Brown University appealed the court’s decision, the institution was forced to reinstate their women’s gymnastics and volleyball teams in an effort to achieve gender equity in their overall athletic program. (Holhut 4)

Yet another case that was integral in the evolution of Title IX was the *Kelley v. Board of Trustees of the University of Illinois* case. In this suit, the members of the men’s swimming team alleged that the university violated Title IX and the “Equal Protection Clause” of the Fourteenth Amendment when the school dropped the men’s team while maintaining the female program. The court system decided that the school did not violate Title IX because the guidelines allow for the removal of an athletic team if the underrepresented gender is not affected by the changes. (hamilton.edu/Government)

Both of these cases provide the foundation for the enforcement of Title IX for institutions of higher education in the future.

Due to these court cases and other tests that enforce Title IX, many sports programs have made considerable steps toward achieving gender equity in their athletic programs. The increased participation by women in both high school and collegiate

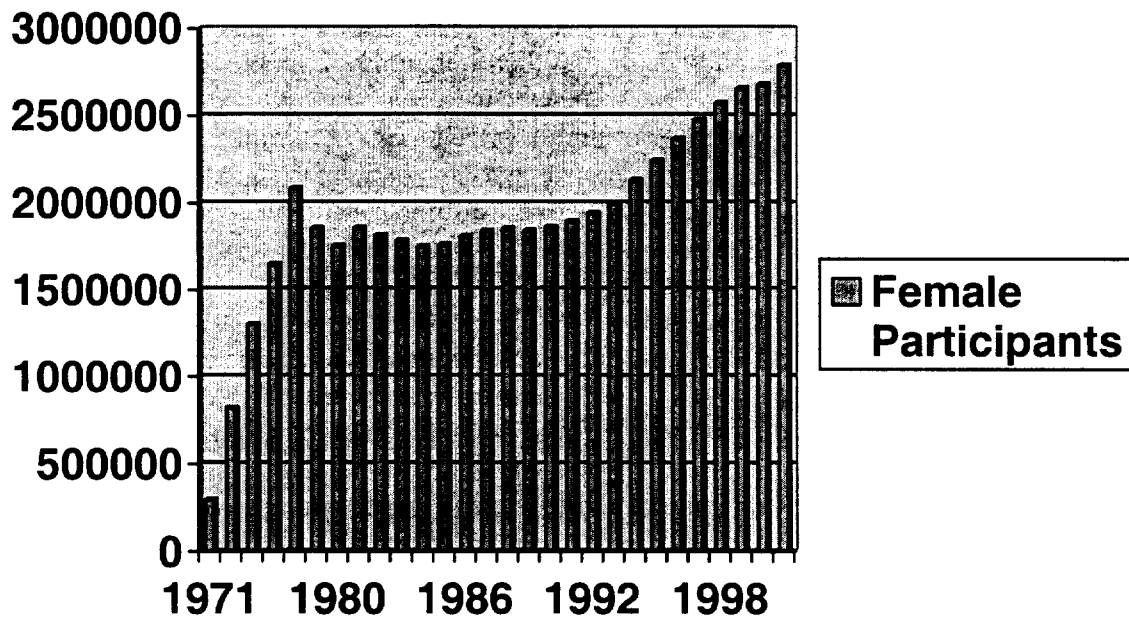
athletics has led to a new generation of athletes and enthusiasts in the United States. This phenomenon was evident in the increased support of the University of Connecticut's women's basketball teams' fan support. In 1989, the team played in front of 287 fans, but eight years later the team drew 16,294 followers in their game against Tennessee. The audience was larger than either of the NBA games held in the same weekend. (nwlc.org)

One of the main ways that schools make the transition toward achieving an increased level of gender equity is through the addition of women's sports teams. The sports that have achieved the largest growth since the beginning of Title IX include women's crew and soccer. According to a study conducted by the NCAA, the number of women's crew teams increased from 12 teams in 1991 to 111 teams seven years later. Similarly, the number of women's soccer teams grew from 318 in 1991 to 724 teams by 1997. (nwlc.org) A study by the Soccer Industry Council of America garnered similar results when they found that one-third of the 18 million soccer players in America were under the age of eighteen. (nwlc.org) These findings are indicative of the fact that the number of female athletic participants is steadily increasing and this trend will likely continue with the enforcement of the Title IX compliance standards.

The facts and figures presented above represent only a fraction of the effects that Title IX has had on the state of athletics in the United States over the past thirty years. Although the dispute over this legislation is one of the largest in the realm of sports, the supporters and critics agree on the fact that Title IX initiated significant modifications in the state of athletics at all levels in the United States. The information provided in the subsequent pages will present an in-depth analysis of the impact of Title IX on high school and collegiate athletic programs, including the significant topics of debate.

II. The Effects of Title IX on High School Athletics

Since the enactment of Title IX in 1972, the number of female participants in high school sports has dramatically risen. For example, in 1971, only 294,015 females participated in high school sports, but by 2001, this number had risen to 2,784,154, a difference of 2,490,139 (Refer to graph). This section of the paper discusses reasons for this increase in high school sport participation, as well as the trials and tribulations of achieving such numbers (nfhs.org).



Not only are equal opportunities the only fair treatment of female athletes, but also females greatly benefit from participating in sports. For example, in academics, high school female athletes have higher grades, higher scores on achievement tests, and are more likely to graduate than female non-athletes. In addition, female athletes are 92% less likely to get involved in drugs, 80% less likely to have unwanted pregnancies, and more likely to delay sexual encounters (igc.apc.org). All of these statistics are proof of

the many benefits of female sports, as well as valid reasons why participation in athletics for females should be made available for each and every female enrolled in high school.

Females that participate in sports also have greater confidence, self-esteem, pride, and lower rates of depression. Judy O'Bannon, in a letter regarding Title IX, stated that,

Today, girls are growing up learning discipline, cooperation, motivation, and confidence. They develop poise under pressure with good problem-solving skills. They get the chance to experience the nurture of a coach and the camaraderie of team embers who want to share new ideas, skills, and strategies (O'Bannon).

By participating in a team setting, as well as having an older role model in the way of coaches, females gain skills that are invaluable. Girls form friendships and trust on the field that they would never experience otherwise. By becoming a part of a team, girls learn skills such as teamwork and goal setting, which leads to success throughout their working career.

Participating in sports also benefit a female's health. By exercising one to three hours per week from the teenage years to the age of 40, females reduce their risk of breast cancer by 20 to 30 percent. Also, by getting into the routine of exercising, as well as seeing the benefits of exercising while young, a female is more likely to continue exercising throughout their lifetime, will be a benefit to themselves, their family, and others influenced by them. (womenssportsfoundation.org).

Getting females to participate in sports early during life is the key to the success of the statistics previously mentioned. If a female does not participate in sports by the age of 10, the chance of her playing when she is 25 is less than 10 percent (womenssportsfoundation.org). For this reason, it is crucial for parents to enroll their

daughters in sports at an early age, as well as schools and administrators to provide and encourage females to take part in sporting teams.

Title IX states that, “No person in the United States should, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance” (igc.org). Because of this law, any public high school must adhere to Title IX, giving equal opportunities to females and males, not only through sports, but also throughout a student’s entire educational experience. Private high schools are not held responsible in matters of Title IX as they are not federally funded.

Each high school must prove compliance with Title IX. If a student or parent feels that a school is not complying with Title IX, a complaint may be filed with the Office of Civil Rights. Many of the suits filed are resolved before being taken to a court, but in some cases, court action must be taken. The Office of Civil Rights published an “Athletics Investigator’s Manual” which “sets forth the compliance standards to be applied and procedures to be used when the OCR conducts an investigation of a school” (DeVries 2). This manual outlines a detailed description for the precise format of an OCR audit.

One of the most misunderstood items dealing with Title IX is the fact that it applies to the overall athletic program of a high school, not a specific team. This program includes not only sporting teams at the school, but also intramurals and physical education courses (DeVries 2). In deciding if a school is in compliance or not, the OCR looks for a disparity in the school’s athletic program, which is defined as “a difference, on the basis of sex, in benefits or services, that has a negative impact on athletes of one

sex when compared with the benefits or services available to athletes of the other sex” (DeVries 2). If the OCR discovers that there is a disparity within the athletic program, action is taken against the school. In 1992, due to *Franklin v. Gwinnett County Public Schools*, plaintiffs became entitled to receive money if a suit is won. This case was a big step for Title IX, as schools started to pay for actions dealing with inequality, making school’s take Title IX much more serious.

In order to decide whether a school is in compliance or not, three items are taken into consideration. The first item, financial aid, does not apply to high schools, as high school athletes are not given scholarship money. The second item is accommodation of interest and abilities. Under interest and abilities is a three-prong test for clarification. A school has to pass only one of the three prongs in order to achieve compliance. The first of the three prongs is effective accommodation of athletics interests and abilities. This prong is met if a school provides “athletic participation opportunities for female students, which are substantially proportionate to the female percentage of enrollment at the school” (DeVries 3). The exact meaning of “substantially proportionate” has yet to be defined by the OCR, but it is left up to their discretion when examining a school.

The second prong of the test deals with the history of the school’s action in dealing with female participation in sports. “A school may demonstrate a history and continuing practice of expanding its sports offerings for women in the past” (DeVries 3). There are four factors that the OCR has outlined in dealing with the second prong. The first and second is the history, as well as the continuing practice, of adding women’s teams and upgrading female teams to varsity status respectively. Another factor is the school’s response to requests for adding and/or upgrading teams at the school. The

school's practice of "monitoring developing interests of women by conduction surveys" rounds out the factors related to the second prong of compliance. If a school shows that it has continually added, upgraded, and surveyed females about their interests and desires related to sports, it has proven its commitment to complying with Title IX.

The final prong in the three-prong compliance test is for the school to show "that it's fully and effectively accommodating the athletic interest and abilities of females in the student body" (DeVries 4). This prong can be confusing, as it does not mean that a school must add, or upgrade a team, every time a group of females students are interested in a sport. It does, however, maintain that a school proves that participation is "full" and "effective". The school administration has a variety of ways of deciding if participation is full and effective. These include surveys completed by females, reviews of non-interscholastic sports programs, and reviews of other schools within the geographic area (DeVries 4). For example, if a group of females students want the school to add a lacrosse team, yet no other school within a 60 mile radius has such a team, the school may not be responsible for adding such a team.

The third item of compliance is a laundry list. When considering if a high school is in equivalence, there are several factors noted in the laundry list that the OCR considers. Many deal specifically with college sports, but there are some that deal with high schools as well. When examining such factors, one must realize it is not specific to same-sport benefits, but for overall sports. One such factor is equipment and supplies, such as uniforms, sporting equipment, and weight-training devices. The five factors of determining compliance of equipment and supplies are quality, amount, suitability,

maintenance and replacements, and availability (DeVries 7). In order for a school to stay within compliance, the school should periodically scrutinize each of the five factors.

Another factor of equivalence testing is locker rooms, as well as practice and competitive facilities (DeVries 8). This is one of the most common areas in which the OCR finds problems with compliance. When evaluating this factor, a school should consider the quality, availability, and exclusivity of facilities for practice events, competitive events and locker rooms, maintenance of facilities, as well as the preparation of facilities for use.

Another factor affecting high school athletic compliance with Title IX is the scheduling of games and practice times (DeVries 10). When evaluating this factor, schools should consider the number of competitive events offered per sport, the number and length of practices, the time of day that practices and events are scheduled, and the number of pre-season and post-season competitive opportunities. This factor is another common issue for high schools, especially in dealing with boys' and girls' basketball teams. This subject will be re-visited.

The last factor that high schools should consider is coaching, including the number of years of experience, quality, and compensation and assignment. Evaluation of this factor should include the relative number of coaches between the same sports, the years of experience and successfulness of coaches, the educational experience of coaches, and the rate of compensation for same sport coaches.

“The OCR has combined two of the areas which are defined in the Title IX Federal regulations-opportunity to receive coaching and the assignment and compensation of coaches-into one investigative category. The focus of the OCR inquiry in this area is whether, in an overall fashion, women athletes at a school have access to the same quality

and expertise of coaching, as do, in an overall manner, the male athletics participants at the school” (DeVries 10).

This quote sums the components evaluated when looking at the coaching at public high schools.

There are several steps that a high school’s administration can take in order to ensure compliance with Title IX. The first is to establish a Gender Equity Committee, headed by a Gender Equity Coordinator. Secondly, the school should complete a self-audit to determine what is in compliance, as well as what needs immediate attention. Once this is determined, a plan and timetable, as well as the source of funding for implementation should be developed. Finally, the execution of strategic plan should be monitored and the committee should carry out periodic reviews. “The Gender Equity Committee and Gender Equity Coordinator should perform the self-audit, develop a plan of action for correcting any identified problems, monitor execution of the action plan and review compliance efforts on a regular basis” (DeVries 11).

One of the more confusing aspects of Title IX compliance and high school sports is the issue of Booster Clubs. Most boys’ basketball teams have a booster club, made up of participating parents. Nowadays, most girls’ basketball teams also have a booster club, but for those schools that do not, they should reconsider. “Support from outside sources such as booster clubs can be an important and welcome part of a district’s sports program, but it does not exempt a district from its basic obligation of ensuring equality among its athletes” (k12.wa.us). If a booster club donates money to a certain team, the school must decide whether or not “the money results in an inequity along gender lines,” and if so, “the district needs to act to correct the inequity using its own funds” (k12.wa.us). When considering booster clubs, as well as overall funding for high school

sports, the “guiding principle for a district under state and federal law is to ensure that its teams receive a level of support necessary to provide an equal athletic opportunity for boys and girls” (k12.wa.us).

There have been several lawsuits filed against public high schools since 1972. Many of the lawsuits are resolved outside of court, but some do take the trip through the court systems. One case that has had a rolling effect throughout the nation was in Virginia during 2000. A United States District Court jury in Charlottesville, Virginia ruled that the Virginia High School League violated not only Title IX, but also the 14th Amendment of the U.S. Constitution, which is the “equal protection clause.” The Virginia High School League violated this by scheduling boys’ and girls’ athletic seasons in different ways. More specifically, girls’ volleyball, basketball, and tennis were scheduled in certain seasons depending on the school’s size, while the boys’ sports were scheduled during the same season at all state public schools, regardless of size. By doing so, girls that attended smaller schools had to participate in “non-traditional seasons.”

In addition to realigning girls’ sports regardless of school size, the court also awarded each of the 11 plaintiffs, all girls participating in non-traditional season sports, \$17,000 (womenssportsfoundation.org). This amount is considered to be a very generous amount for a Title IX case, but maybe more importantly, is the message the case sends to all state athletic associations. Before the case in Virginia, many state athletic associations felt that they were immune to violations of Title IX, and that only individual public high schools had to be in compliance. After the case in Virginia, state athletic associations started to realize that they, too, had to make sure to treat both sexes

equally in dealing with sports. Virginia's defeat of the state athletic association paved the way for other such cases in Tennessee and Michigan.

In *Bentwood Academy v. Tennessee Secondary School Athletic Association*, the National Women's Law Center (NWLC) once again brought to the nation's attention that state high school athletic associations should be held accountable for Title IX violations. Many of the cases that go through the court systems are supported by the National Women's Law Center. The center's mission is "to protect and advance the progress of women and girls at work, in school, and in virtually every aspect of their lives" (nwlc.org). By doing so, the NWLC helps to maintain Title IX and equality for women.

Even though the state associations do not deal specifically with one certain school, the state associations do represent, as well as lead, all high schools, making the state associations responsible for the equality of sports throughout their respective state. In *Brentwood Academy v. Tennessee Secondary School Athletic Association*, the NWLC argued "that high school athletic associations are 'state actors' because they are closely associated with state boards of education and public schools and therefore must be subject to the equal protections provisions that apply to the states" (nwlc.org). After hearing the case, the U.S. Supreme Court voted 5-4 that state high school athletic associations are, in fact, "state actors." Because of being "state actors," the Supreme Court ruled that state athletic associations are "subject to the U.S. Constitution's nondiscrimination requirements" (nwlc.org). This case reaffirmed what the Virginia case had already concluded.

In the case *Michigan High School Athletic Association v. Communities for Equity* (CFE), many issues were raised, but only the issue of seasons in which girl's sports were

played was taken to court. Other issues raised in this lawsuit were “providing more athletic participation opportunities for male students, providing inferior facilities for some girls’ sports, allocating more money to support and promote boys’ programs” (nwlc.org). In order for these issues to be resolved outside of the court, the Michigan State High School Athletic Association (MSHAA) agreed to “equally televise and promote girls’ sports, add two girls’ sports tournaments after surveying female students, and provide better facilities for girls’ state finals” (nwlc.org).

The MHSAA was sued by CFE, an organization comprised of students and parents seeking gender equity, as well as two named plaintiffs, for placing six high school girls’ sports in nontraditional seasons, but no boys’ teams were placed in such seasons. Placing girls’ sports in such seasons hurt female athletes through recruiting chances, awards and recognition on a national level such as All-American teams, as well as club and Olympic Developmental Programs. Two of the sports were girls’ basketball and volleyball, normally played throughout the United States in the winter and fall respectively. However, in Michigan, girls’ basketball was being played in the fall, and volleyball in the winter.

A Federal District Court ruled in favor of the plaintiffs, ruling that “MHSAA can no longer discriminate against female high school athletes by placing their teams in nontraditional and/or disadvantageous seasons, including basketball and volleyball” (nwlc.org). In the ruling, Chief U.S. District Judge Richard Alan Enslen declared that “...the practice of scheduling only girls’ sports, but not boys’ sports, in disadvantageous and/or non-traditional seasons sends the clear message that female athletes are subordinate to their male counterparts, and that girls’ sports take a backseat to boys’

sports in Michigan” (nwlc.org). This court case will not only impact the state of Michigan and female sport participants in the state, but also High School Athletic Associations throughout the United States. By continually holding school administrations, as well as all involved in public high school athletics accountable, Title IX will eventually even the playing field for female athletes.

In Convington, Kentucky, Boone County students should soon be benefiting, and in the future, due to a federal Title IX lawsuit. This lawsuit stemmed from the fact that three couples of female high school athletes believed that boys and girls were not being treated equally when it came to sports. The parents did not sue for “damages because no price can be placed on their daughters’ self-respect and self-esteem” (Vela). A tentative agreement had been set between Boone County School District and the parents, which included the following: provide all athletes comparable uniforms, provide all necessary equipment and supplies, review athletic scheduling for 2001-02 to ensure the schedules are set in a gender-neutral manner, select coaches for all teams using the same criteria, treat all teams equally in terms of travel, meals, and lodging, promote and publicize accomplishments equally, as well as many others. The settlement was not agreed upon, however, because one of the parents, Ms. Egan stated that, “Basically we want some very simple, specific language that includes dates, how they are going to implement things and who is in charge” (Steitzer). This case is still pending.

Many cases brought to the attention of the Office of Civil Rights are settled out of court, while other cases do not even have enough evidence or information to be considered. It is the duty of the OCR to decide if a complaint warrants more investigation and a possible court appearance, or if the complaint does not contain solid

evidence, therefore being discussed in mediation or simply not being acted upon. There are times when an upset parent raises a complaint that may not be rational. One such instance was at Tipton High School in Tipton, Indiana. During this complaint, an upset parent of a girls' basketball player also got the Indianapolis Star and staff writer Walter Grable on his side, even though his complaint did not warrant enough facts to be taken to court. This complaint is an example of how out of control Title IX and questions of compliance can become.

During this time, Wendell Hollingsworth, the parent of a girls' basketball member, brought his complaint to the attention of the Indianapolis Star. Writer Walter Grable wrote an entire article in the June 21, 1995 edition of the Indianapolis Star comparing sports at Tipton with those at Noblesville. Some of Hollingsworth' complaints did seem viable, however, Tipton proved its compliance with Title IX with the addition of new girls' teams, which is the second prong in the three-prong test. Hollingsworth decided to file the suit after the hiring of a new girls' basketball coach. Hollingsworth argued that the new coach had no previous experience, and therefore, should not have been hired. What he failed to take into consideration was the fact that, "By contract, any teacher within the Tipton school system has first choice at coaching positions" (Indianapolis Star D4). In addition, the newly hired coach had played four years of college basketball at Purdue University, proving that she was qualified for the position.

In addition to lawsuits helping the progression of Title IX, there are also many individuals who have contributed a lot of time and effort to make sure there is equality in sports for girls. In Indiana, two of these individuals are Martha Randel and Mitzi

Witchger. Randel has held many positions within Title IX. She was the co-founder and past chair of the Lady Eagles Basketball Association in Zionsville, Indiana, the past chair, vice chair, as well as secretary of Indiana Citizens for Sports Equity, Inc., a state-wide group, an Associate Board of Directors member of the Indiana Basketball Hall of Fame, as well as the Title IX consultant at Zionsville High school as a member of the Athletic Director's Advisory Council. Because of her involvement, Randel received the La Legion de l'Aigle award in January, the first female to receive this award. This award is given to any adult outside of the athletic department who has contributed to the betterment and benefit of athletes at Zionsville High School.

Randel became involved in Title IX after seeing the inequality between the girls and boys basketball teams at Zionsville when her daughters played. Randel, along with other parents, approached the school administration, but to no avail. After the parents' requests were denied, "we educated ourselves further on the Federal Law Title IX and what it should mean for our girls' basketball program. We also educated our coaches," Randel said. In addition, the Lady Eagles Basketball Association was formed in order to fight for equality. Slowly, after many meetings between the Lady Eagles Basketball Association and the administration, improvements were made.

When asked what good, as well as bad, has developed with Title IX, Randel replied that,

The only bad was early on-the frustration that I knew key school personnel understood that they should be giving girls equitable opportunities. In addition, the other bad was the fact that why did so many people have to work so hard to get equal opportunities for our girl athletes when it has been the law since 1972? It should have, and could have, been done at all schools within a three to five year

timeframe if proactive attitudes would have been developed.

Obviously Title IX has had many benefits, and there have been many great changes since 1972. According to Randel, “women have proven to be very successful in athletics.” In addition, Randel points out that through sports girls learn teamwork and thus do better in the workplace, learn how to set and strive for goals, as well as realizing their value to themselves and the world. Even after 30 years, Title IX still has strides to make. Randel states that in order to make improvements concerning Title IX,

The Office for Civil Rights needs to put some ‘muscle’ behind enforcing Title IX athletics. Somehow the law needs to be enforced without parents like myself having to ‘fight’ for equality every inch of the way. More lawsuits or OCR Complaints need to be filed. Thirty years is long enough for all high schools and colleges to have worked this out and have found ways to give equal opportunities to girl athletes. Parents and girl athletes need to educate themselves on Title IX and what it should mean for the students high school and college career.

Mitzi Witchger has also made significant contributions to Title IX. Witchger helped write the Gender Equity in Sports manual for the Minnesota Department of Education and the Minnesota State High School League. Mitchger currently helps administrators and school boards with Title IX issues, as well as how to achieve parity in their respective high school sports programs. Witchger got involved with Title IX because her daughter played ice hockey, but with no girls’ teams, her daughter was forced to play on the boys’ team. Now, however, there are 121 high school girls’ hockey teams, and in addition, every college that has a men’s ice hockey team also has a women’s.

When asked to mention the positives of Title IX, Witchger stated,

More girls and women are playing sports for their schools and in their communities. There's more acceptance and encouragement of girls to be athletes. There are more scholarships available, more media attention, more money spent, and more equipment designed specifically for females. In addition, young females are more fit and enjoy athletic competition and all its life lessons. They feel better, and sports expand their muscles, as well as their minds.

With positives also come negatives. Witchger says, "They (girls) are being blamed for the cuts in men's sports. However, there are creative ways to get to equity without cutting a whole team." Witchger believes that equity can be accomplished if the administration believes in equity for females and males.

Title IX has obviously helped female athletes across the nation. The question is, how far has equal treatment in sports come, and how far does it have to go? In answering this question, the best source is female athletes themselves. The interviewing of three Tipton High School graduates, Charee Campbell, Krissi Lambert, and Carrie Campbell, helps to view how far Title IX has brought female high school sports. Charee Campbell graduated from Tipton High School in 1994. While in high school, Campbell participated in tennis and swimming and diving from her sophomore to senior year, gymnastics her junior and senior year, as well as the boys' golf team during her freshman year. Campbell only played on the boys' golf team one year because,

Playing on the boys' team was awful. Even though I knew some of the players, I felt very uncomfortable the entire time, especially around other schools. I am very happy that there is now a girls' golf team at Tipton, as well as at many other surrounding schools.

Campbell had been a gymnastic growing up, but unfortunately Tipton High School did not have a gymnastics team. Campbell used her gymnastics ability through diving, but she wanted more. Many of the surrounding schools had gymnastics teams,

and that is when Campbell and her family decided to take action. Another classmate of Campbell's was also a gymnast. The parents of the two girls approached Tipton's athletic director, making their wish of a gymnastics team known. Campbell's mom volunteered to be the coach, and the girls had a gymnastics team during their junior and senior year of high school. During this time, the girls paid for their own outfits, as well as practiced with surrounding teams. Campbell benefited from the development of a gymnastics team in more ways than one as she went on to qualify for semi-state her senior year.

Without Title IX, I do not believe that I would have been able to participate in gymnastics my junior and senior year. Unfortunately, without a full-time coach and practice facilities, Tipton's gymnastics team did not grow, and after I graduated the program ended. It is sad because there were other girls that I know would have loved to participate in gymnastics, but the opportunity never existed for them. I guess that is one of the pitfalls of Title IX, it can help develop new opportunities for girls, but it doesn't necessarily mean that those opportunities are going to continue for years to come. In the case of gymnastics, for example, Title IX caused Tipton to create the team because of interest and the surrounding schools participating in the sport, but Title IX did not cause Tipton to promote the gymnastics team.

Krissi Lambert, a 1996 graduate of Tipton High School, was involved in the transition of Title IX during her high school sports career. Lambert was one of only three girls to play on the boys' soccer team. Lambert played on the team during her freshman and sophomore years, until a girls' varsity soccer team was established.

When asked about treatment as a member of a boys' varsity team, Lambert commented that her own teammates, school, and coach treated her with the up most respect, while it was the other teams that sometimes treated her badly. For example,

“some referees simply called fouls against the other team if they threw me to the ground or slide-tackled me, even if it was a completely legal move.” Also, Lambert stated, “some players on the other teams did not appreciate a girl starting on a boys’ varsity team, and therefore they would neglect to even shake my hand at the end of the game, which definitely hurt.” To compensate, however, Lambert always felt appreciated and respected by the Tipton fans and her own teammates. “That made all of the difference,” Lambert said.

Once a girls’ varsity team was established, practice and game times, as well as equipment and transportation was equal with that of the boys’ team. For example, the school had three soccer fields, one of which was well-manicured and considered one of the best in the state. Both the boys and the girls played actual games on this field, while practices were conducted on the two other fields. In addition, both teams were supplied with soccer balls and uniforms, but each individual player bought shoes and shin-guards. School buses were used to transport each team, no matter the location.

Tipton did a great job of treating the girls’ and boys’ soccer teams equally, even with scheduling, which seems to be a major issue dealing with basketball. For soccer, both the boys’ and the girls’ teams played a couple of times during the week, as well as most Saturday mornings or early afternoons. Every year the school teamed up with another school and played a girls’ and boys’ game back to back on a Saturday morning. When these games were away, the girls’ and boys’ even rode the same bus (Lambert).

According to Lambert, she felt treated equal on both the boys’ and girls’ soccer team. However, Lambert feels that, “it [Title IX] has a long way to go before men’s and women’s sports are considered equal. It is believed that men are much more athletic and that women’s sports were just added to appease some upset women.”

Another Tipton High School graduate and sports participant is Carrie Campbell, who graduated in 1999. Campbell played in the girls' basketball team for four years, golf for three, softball for two, and tennis for one. When asked about Title IX, Campbell said,

Title IX greatly affected my participation in sports. A girls' golf team didn't exist until 1994, and it was created due to Title IX. I wouldn't have been able to play golf if it weren't for Title IX. I know some girls that played on the boys' golf team before Tipton created a girls' team, but I wouldn't have felt comfortable enough to join the boys' golf team (Campbell).

Campbell's comment reflects the feelings of many girls around the nation, and girls should not have to feel uncomfortable in order to play a sport they love. Schools should be establishing more women's sport teams if the desire exists, enabling girls to have the same opportunities as boys.

In addition to golf, Carrie Campbell played on the girls' basketball team all four years of high school. The practice schedule for the boys' and girls' basketball teams was not a problem as the girls' had their own gym to play. Through her high school career, Campbell saw the differences between the girls' and boys' basketball teams start to shrink. For example, Campbell said, "We [the girls' team] didn't have as good as schedule as the boys, as they only had to play on the weekends. Our schedule did start to change my junior and senior years, as we started to play only once during the week and then again during the afternoon or evening on Saturday." In addition to the game schedule starting to change, a new locker room was built for Campbell's senior year in order to compensate for the size of the boys' basketball team.

In summing the treatment of the boys' basketball team versus the girls' basketball team, Campbell stated, "I think the boys' basketball team was definitely treated better,

but I wouldn't say the girls' team was treated badly. They boys got new uniforms and warm-ups every year, whereas our team got new uniforms once every five years." This treatment definitely isn't fair, and what is more upsetting is the fact that it is accepted because the girls' basketball team is still treated pretty well. The school should assess the girls' versus boys' uniform situation as outlined by the OCR. The school needs to review the budget for each team, assuring that each team is allocated an equivalent amount of money from the budget.

In 1994, a gender-equity survey was distributed to all high schools in the state of Iowa. This survey asked for information gathered during the 1992-93 academic year. While only 38 percent of the schools participated, the results can be studied in determining where high schools are at regarding Title IX, as well as where they still have to go.

Total Expenditures



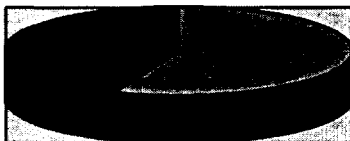
■ Male
■ Female

Participants in Sports



■ Male
■ Female

Total Expenditures



■ Male
■ Female

(bailiwick.lib.uiowa.edu). By looking at the previous graphs, one can see the inequalities in high schools in Iowa. One of the prongs of compliance states that, "athletic participation opportunities for female students should be substantially proportionate to the female percentage of enrollment at the school" (DeVries 3). One of these opportunities is the equipment and facilities allowed for each gender, and as can be seen from these graphs, total expenditures for males is greater than for females, whereas the total enrollment of females and males is about equal. Iowa schools are similar in relation to total expenditures and participants in sports, which shows a great deal for Iowa in that the schools are trying to equalize sports for males and females.

Iowa schools do have a large inequality of male versus female head coaches for boys' and girls' sport teams, as well as assistant coaches for boys, but assistant coaches of girls' sports teams are exactly fifty-fifty

Head Coaches of Boys



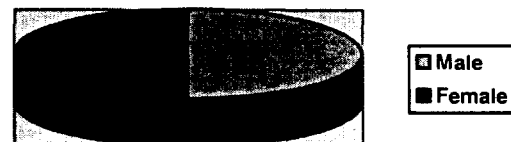
Head Coaches of Girls



Assistant Coaches for Boys



Assistant Coaches for Girls



(bailiwick.lib.uiowa.edu). This inequality, however, does not cause Iowa schools to be out of compliance with Title IX. Concerning coaching and compliance, a school should consider the relative number of coaches and the rate of compensation between same sport teams, the experience and success of coaches, as well as the educational background of coaches. Iowa head coaches' salaries were fairly equivalent, however, female head coaches for boys made less than their counterparts in basketball, cross country, as well as track and field. This is a red flag for not only Iowa schools, but for the nation as a whole. The difference between the salaries of males and females coaching the same sports prove that there is still a notion that, when considering sports, females are still seen as unequal.

In order to celebrate, as well as promote, Title IX and the growing of women sports, National Women and Girls in Sports Day has been established. "This observance," which is celebrated on February 7 each year, "is not about how high women can jump or how far they can throw a ball, but about our inclusion in events that society thinks are good recreation and positive citizen builders" (O'Bannon). As this celebration continually grows in the years to come, hopefully more and more people, both female and male, will not see Title IX as simply an equality law, but will understand the many benefits of women in sports. This year in Indiana, the day was observed by a luncheon at Conseco Fieldhouse. Judy O'Bannon wrote a letter concerning Title IX for February 7, in which she stated,

What Title IX gave us was the chance to see people as whole human beings with bodies, minds and spirits. Through athletic opportunities, we have unleashed potential and created a capacity that demonstrates that women have a lot to offer on any playing field (O'Bannon).

O'Bannon realizes that Women and Girls in Sports Day is not a solution to the issues dealing with Title IX, but it is a step forward.

Proving how Title IX has benefited females, especially in the Indiana area, one can simply look at Indianapolis in early March. Indianapolis hosted the women's Big Ten basketball tournament at Conseco Fieldhouse, with the final game televised on ESPN. In addition, the girls' high school basketball state finals were also held at Conseco Fieldhouse. Perhaps the biggest statement for Title IX in Indiana, though, was the induction of the first women's class into the Indiana Basketball Hall of Fame. Although Title IX still has great strides to make, one can look at this weekend in early March in Indianapolis to see how far Title IX has come in the last 30 years.

III. The Effects of Title IX on Collegiate Athletics

When many people hear the term Title IX, they often think immediately of the issue of athletics, particularly with the issue of gender equity in collegiate athletics. Although the scope of Title IX is much broader than that idea, the legislation has had a profound effect on college athletics since its inception in 1972. Despite the fact that the legislation did not instantly cause drastic changes in the ranks of intercollegiate athletics, additional regulations that led to the initiation of many changes in college sports for both men and women, eventually supported Title IX. This issue is under constant debate by its supporters and also by its critics because of the changes that have occurred in intercollegiate athletics over the last thirty years. The information provided below will introduce the legislation as it affects college sports, provide an overview of historical information, the effects of Title IX, and finally the issues of debate over Title IX.

Title IX was a portion of comprehensive federal legislation that forced a review of the situation occurring in schools of all educational levels. It is included as one of the ten parts of the Educational Amendments Act of 1972. (Fenoglio 778) The initial purpose of the act was to force schools to identify and correct the inequities that had been in place for an extended period of time; of primary importance was to give women the opportunity to have the same education as their male counterparts. (Durrant 60) The drafters wanted to rid the universities' quota system for admissions and enable women the same opportunity to enter the male-dominated fields of engineering and medicine. However, this legislation did much more than enable women the same opportunities in the classroom, but offered gender equity outside of the classroom as well. The increase in opportunities, funding, media coverage, employment opportunities, and many other

— facets of women's athletics have undoubtedly improved since the initiation of Title IX. No matter what the result, this was a bold statement from Congress, which passed the Equal Rights Amendment prior to the Educational Amendments of 1972. (Fenoglio 778)

The effects of Title IX on collegiate athletics are staggering. Prior to the amendments of 1972, women consisted of only fifteen percent of the total number of college athletes and received a mere two percent of the total athletic budget. (Bryjak 62) The males traveled in a first-class manner with virtually unlimited budgets, while the women were forced to supplement their athletic department funding from bake sales, car washes, and raffles. (Bryjak 62) The act of forced supplementation of funds resembles the situation of a club sport, not one that is being sponsored by the athletic department of an institution. Traditionally, the women's teams were considered an afterthought of the men's programs and received the leftover funds if any were available. Many schools did not even provide women with athletic teams or opportunities to participate before Title IX. Only after Title IX was introduced did the athletic departments recognize and begin to make changes in their athletic programs in order to reduce the apparent gender bias.

— The parameters created by Title IX have inspired changes in virtually every intercollegiate athletic program across the country. By the 1997-1998 season, women accounted for approximately forty percent of the total number of Division I athletes and received about forty percent of the athletic scholarships. In the same year, athletic budgets for women made up thirty-six percent of the overall athletic budgets in addition to thirty-two percent of the recruiting funds and twenty-eight percent of the coaches' salaries. (Bryjak 63) An estimated \$180 million is spent on athletic scholarships for women today. (Fenoglio 778) These figures emphasize the fact that changes have been

—

made and will continue to bridge the gender gap that still exists in college sports to some extent.

The main issue in the debate over Title IX surrounds the level of an institutions' compliance under its standards. In general, the schools "...need to show that they are meeting the sports interests of women on campus, or that they've had a history and continuing practice of responding to women's interests and abilities" (Fenoglio 779).

Another common manner in which schools dictate their enforcement of Title IX is for the institutions to log the number of male and female athletes, while making sure that their men's and women's sports teams have a similar ratio. (Fenoglio 779) This is the safest way for a school to fend off the possibility of lawsuits. However, this procedure can also cause problems, if for no other reason than the existence of a football program. A football program conventionally entails at least eighty athletes, depending on the school, meaning that there must be comparable opportunities for females in the overall athletic program. (Fenoglio 779)

In total, Title IX "...governs the overall equity of treatment and opportunity in athletics while giving schools the flexibility to choose sports based on student body interest, geographic influence, a given school's budget restraints, and gender ratio" (Curtis 1). Furthermore, the legislation is not dictating the fact that a woman must be able to participate on the men's wrestling team or that the men's and women's volleyball teams must have the same funding, Title IX focuses on the notion of equal opportunity for men and women in the athletic program in its entirety. (Curtis 1) The legislation does not provide for the comparison of individual components of an athletic program, but rather looks at the gender equity of the entire program and assesses whether or not the

women and men are provided with similar opportunities within the institutions' department.

Three primary components are involved in an assessment of whether an institution of higher education is in compliance with the standards set by Title IX. These factors include athletic financial assistance, accommodation of athletic interests and abilities, and finally the assessment of other selected program areas. (Curtis 1) With regards to the athletic financial assistance, the college or university is required to award their scholarships on the basis of the number of male and female athletes. This is tested through financial proportionality, meaning that the total amounts of aid must be comparable to the ratio of male and female athletes in an athletic program. (Curtis 1) The second criterion for the assessment of whether a department is under compliance is the schools' accommodation of athletic interests and abilities. This factor is evaluated based upon the three prongs listed below.

- Whether the intercollegiate level participation opportunities for male and female students are provided in number substantially proportionate to their respective enrollments.
- Where the members of one sex have been and are underrepresented among intercollegiate athletes, whether the institution can show a history and continuing practice of program expansion, which is demonstrably responsive to the developing interests, and abilities of that sex.
- Where the members of one sex are underrepresented among intercollegiate athletes and the institution cannot show a continuing practice of program expansion, whether it can be demonstrated that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program.

(Curtis 2)

The individuals that assess these two components address the issues of athletic financial assistance and accommodation of athletic interests and abilities according to the components stated previously.

In addition, all other benefits, opportunities, and treatments provided to all athletic participants are assessed to ensure that they are equivalent. The program elements that are evaluated in this stage include Equipment and Supplies; Scheduling of Games and Practice Time; Travel and Per Diem Allowances; Opportunity to Receive Academic Tutoring; Opportunity to Receive Coaching, Assignment, and Compensation; Locker Rooms, Practice, and Competitive Facilities; Medical and Training Facilities and Services; Housing and Dining Facilities and Services; Publicity; Support Services; and Recruitment of Student-Athletes. Again, each requirement has certain standards that must be followed in order for the school to be considered in compliance with Title IX.

The program components include:

- Equipment & Supplies: quality, suitability, quantity, availability, maintenance, and replacement
- Scheduling of Games & Practice Time: number of competitive events per sport, number and length of practice opportunities, time of day competitive events and practice opportunities are scheduled, opportunities to engage in available pre-season and post-season competition, the season a sport is scheduled, and the length of the season
- Travel & Per Diem Allowances: modes of transportation, housing furnished during travel, length of stay before and after competitive events, per diem allowances, & dining arrangements
- Opportunity to Receive Academic Tutoring: availability of tutoring, tutor qualifications and experience, rates of pay, and employment conditions
- Opportunity to Receive Coaching, Assignment, & Compensation: availability, assignment, and compensation of full-time coaches, assistants, graduate assistants, or restricted earnings coaches

- Locker Rooms, Practice, & Competitive Facilities: quality, availability, exclusivity of use, maintenance and preparation of facilities
- Medical & Training Facilities and Services: quality and availability of medical personnel; athletic trainers; weight and conditioning facilities; training facilities; and health, accident, and injury insurance coverage
- Housing & Dining Facilities and Services: housing and dining benefits available during the regular year, the provision of pre-game and post-game meals, and housing and dining services provided when classes are not in session
- Publicity: availability and quality of sports information personnel, access to publicity resources, and quantity and quality of publications and other promotional devices
- Support Services: administrative support, clerical and secretarial support, office space, equipment and supplies, and availability of other support staff
- Recruitment of Student-Athletes: opportunities for coaches or other personnel to recruit, whether financial and other resources are equivalently adequate, and treatment of prospective student-athletes.

(Curtis 2)

Therefore, in order to comply with the standards of Title IX, each institution must exhibit the fact that, according to the program areas above, the women and men have equal and/or equivalent benefits in the overall athletic department.

The NCAA responded to the pressures created by the Federal Educational Amendments, particularly with the Title IX legislation. They developed an athletic certification process officially in 1993, although it had been tested for several years prior to its inception. (NCAA Handbook 7) The implied reason for this certification process is for gender equity in the Division I athletic programs, although the certification is “...meant to ensure the NCAA’s fundamental commitment to integrity in intercollegiate athletics” (NCAA Handbook 7). Despite the fact that the information associated with the

athletic certification process does not state Title IX precisely, the ramifications parallel those stated in the compliance standards above.

Based upon the goal of the athletic certification process, the Committee on Athletic Certification strives to achieve their objective in many ways. The three main objectives are listed below.

1. By opening the affairs of athletics to the university community and the public.
2. By setting standards (called operating principles) for the operation of Division I athletics programs.
3. By putting tough sanctions in place for institutions that fail to conduct a comprehensive self-study or to correct problems.
(NCAA Handbook 7-8)

The self-study process is meant to be helpful, not harmful, to the schools involved in the assessment. The certification procedures are aimed at bringing together various university officials, who are given plenty of time to pursue a thorough examination of the school's compliance with the standards set by the NCAA. (NCAA Handbook 8)

The athletic certification process also involves external peer review procedures that analyze each institution's level of gender equity in their respective athletic department. The external peer review teams, made up of both athletic and academic individuals, are selected and assigned by the Committee on Athletics Certification. These teams are responsible for "...verifying that the institution's self-study was accurate and complete, and that it was characterized by campus-wide participation" and that "...evaluating the self-study in terms of the operating principles that have been approved for all Division I members and the institution's mission and purpose" (NCAA Handbook 9). These peer review groups aid in the assessment of the athletic program's level of gender equity and they act as evaluators of the school's self-study program.

Title IX initiated the beginning of these stringent compliance standards for colleges and universities to follow in their athletic programs. Without these requirements, the gender gap in sports may have remained stagnant over the last thirty years. Instead, Title IX has inspired many changes in the realm of educational opportunities for women attending universities, particularly in the area of intercollegiate athletics. Therefore, although a gender gap still exists in the ranks of college athletics, female athletes have made significant gains over the last three decades.

When the Educational Amendments were passed in 1972, many individuals believed that they were going to have an immediate impact on the gender equity problems in schools and universities. However, the period between 1972 and 1979 could be "...characterized by a lack of enforcement for or concern about Title IX" (Thelin 394). Initially, the tests that emerged as a result of Title IX looked at the number of sports teams for women and the number of female and male coaches. Many athletic directors worried more about whether they would have to sponsor a female football team if they offered a male team. (Thelin 394) Obviously, the period of the nineteen seventies is characterized by a lack of understanding and enforcement of the issues raised by the Title IX legislation of 1972.

During the period between 1972 and 1975, there was no congressional enforcement or scrutiny regarding Title IX. During these years, the Federal agencies were preoccupied with drafting guidelines and holding meetings in an attempt to agree upon the acceptable criterion to publish. (Thelin 396) In 1974, the "Tower Amendment," a bill to exempt the revenue producing sports from being included in the determination of compliance with Title IX, was rejected. Several bills were introduced, including some to

restrict the enforcement of Title IX, but many failed to reach the floors of the House and then Senate and were overridden by votes if they indeed reached the point of voting in the legislative process. (Curtis 2) In June of 1975, Representative O'Hara introduced a House bill that proposed to use sports revenues first to offset the cost of that sport, then to support other sports. The other bill that died before reaching the House or Senate floor was a proposal to exclude revenue-producing sports from Title IX coverage. (Curtis 2) In essence, the public and institutions apparently ignored the legislation because its impact was not evident immediately or even for the succeeding years.

In a 1978 survey, the results reinforce the point that the move toward gender equity in college athletics did not begin immediately after Title IX was passed. According to this survey, the women's athletic budgets for the 1977-1978 season accounted for only fourteen percent of the total athletic budgets that were reported for the NCAA Group A member institutions. In addition, the average annual budgets for women's sports at these schools accounted for ninety-seven thousand dollars out of a total budget of over three million dollars. (Thelin 395) Therefore, despite the fact that the reformation of women's sports began in the early nineteen seventies, Title IX "...was largely an initiative external from and ignored by university officials" (Thelin 396).

By the start of the 1980s, many institutions began to evoke changes that were initiated by the enforcement of Title IX gender equity issues. Numerous Division I schools started dropping established varsity sports, a year before the NCAA added women's sports to its jurisdiction. (Thelin 396) For example, the University of Colorado dropped men's varsity baseball, swimming, wrestling, and tennis. Similarly, the University of Washington ended their men's gymnastics and wrestling programs, despite

the fact that they were continually positioned among the highest ranks of the nation. (Thelin 395) Thus, these budget cuts for men's nonrevenue sports began long before the women's sports were added to the jurisdiction of the intercollegiate athletic department.

In 1993, the athletic certification process became an official portion of the jurisdiction of the NCAA. The official certification process was adopted at the 1993 NCAA convention and was the central focus of the reorganization process resulting from Title IX issues. The certification process began as a pilot program in 1989. The two-year pilot program proved to be valuable for the institutions involved, but the schools felt as though the procedure would be more beneficial with a certain amount of self-study. Following the pilot study, the NCAA Presidents Commission, the NCAA Council, and the Knight Foundation Commission on Intercollegiate Athletics decided that this self-study reform should be implemented. (NCAA Handbook 7)

Today the athletic certification process is in its second cycle, meaning that only those institutions that have eight or more years between gender equity evaluations are required to create a mid-point report between the studies. The committee on athletics certification, which is a group of fifteen members that administers the athletic certification process, maintains this requirement. Upon receiving the self-study reports and external reviews, the committee decides whether or not the NCAA should accredit the institution. (NCAA Handbook 9) Therefore, this certification process is critical for all Division I schools that sponsor intercollegiate athletic teams across the country today.

Due to the ramifications raised by the Title IX legislation, many cases entered court that dealt with this issue. The court cases have had a profound impact on the scope and direction of athletic opportunities for women of all ages, especially the female

collegiate athletes. (Durrant 62) The issues raised in the courts of America include contact and noncontact sports, separate but equal teams versus integrated teams, restrictions against boys playing on girls' teams, revenue versus nonrevenue sports, and the number of teams offered versus the number of participants. (Durrant 62) Some of the most prominent cases involving the Title IX legislation include *Brown v. Cohen*, *Rachel Sanders, et al v. University of Texas at Austin*, *Roberts v. Colorado State University*, *Kelley v. Board of Trustees of the University of Illinois*, and *Grove City v. Bell*.

The case of Rachel Sanders, et al versus the University of Texas was initiated on July 1, 1992 when seven female athletes brought upon a Title IX compliance grievance against their school. The seven individuals, representing the female athletes from the varsity and intramural sports, claimed that the University of Texas failed to provide equal participation opportunities for males and females. Therefore, the women urged the institution to add four additional varsity sports for females: crew, softball, gymnastics, and soccer. (hamilton.edu/adademic/Government) This case is significant despite the fact that it was settled on July 16, 1993, prior to reaching the courtroom. The parties settled on the understanding that the University of Texas would double the current number of women athletes participating in sports. In addition, the school agreed to increase the number of female athletic scholarships from thirty-two percent to forty-two percent over the next five years. Finally, the school introduced the women's soccer team as a school-sponsored intercollegiate sport in 1993 and did the same for softball in 1995.

(hamilton.edu/adademic/Government) Although this case was settled out of court, its impact is still important in creating a precedent for the compliance standards associated with Title IX.

In another case brought upon by a female athlete, Roberts brought a suit against Colorado State University in 1992. The foundation of the suit was upon the fact that the university did not offer the same amount of athletic opportunities for females as males. In this year, women made up of about forty-seven percent of the total population of the school and while only comprising thirty-five percent of the athletes at Colorado State University. (hamilton.edu/adademic/Government) Prior to the 1992 school year, the school eliminated several sports as a result of a decrease in financial aid from the state of Colorado. The school dropped both women's softball and men's baseball. This decision resulted in an increase in the percentage of male athletes versus female athletes. Thus, the women on the softball team brought upon the suit and asked that their team be re-established and that they receive increased funding from the university.

(hamilton.edu/adademic/Government)

This case indeed reached the court and the judge ruled in favor of the women's softball team, citing that the disparity between the opportunities for men and women to participate in sports was too large. The court suggested that the university did not comply with the standards of Title IX because they had not increased the number of women's sports in the last twelve years. Furthermore, the court claimed that the Colorado State University did not take any action to improve after the results of their 1983 Title IX compliance review. Therefore, since the female students exhibited a significant interest in the sport of softball along with the lack of changes following the Title IX review, the court ruled that the school had to reinstate the women's softball team. (hamilton.edu/adademic/Government)

Yet another important Title IX case involves a suit that was brought by collegiate males whose sport was eliminated from the University of Illinois. In the case of *Kelley v. Board of Trustees of the University of Illinois*, the members of the men's swimming and diving team filed suit because their sport was eliminated in 1993. They argued that the school unreasonably removed their sport and kept the women's swimming team instead, an alleged violation of Title IX and the Equal Protection Clause of the Fourteenth Amendment to the Constitution. (hamilton.edu/academic/Government) The court decided that the school did not violate Title IX for two reasons. One of the reasons includes the fact that Title IX "...allows for the elimination of an athletic program if the underrepresented gender is not affected" (hamilton.edu/academic/Government). Also, the court suggested that Title IX permits the removal of one gender's sport while keeping the other gender's sport if the program being cut is the over represented gender in the total percentage of athletes at the school. (hamilton.edu/academic/Government) Therefore, women's teams cannot be removed as long as they are the under represented gender at the institution.

The *Grove City v. Bell* case is important because it removed the applicability of Title IX in athletics programs by stating that only those programs that receive federal financial support should be held under the principles of Title IX. In the 1984 case, the Supreme Court ruled that the federal government could regulate only the financial aid office of the college. Since the school refused to follow the federally imposed sexual discrimination standards, they were no longer able to receive funds from the federal government. (Ritter 1) However, this decision was overturned four years later when the Civil Rights Restoration Act was signed into law. After the 1988 act, the school was

required to comply with federal legislation if even one student receives one dollar in federal financial aid. (Ritter 1)

The *Brown v. Cohen* case is one of the most prominent in its impact on the current and continuing enforcement of the Title IX issues. Gymnast Amy Cohen filed the case against Brown University in 1991 and the deliberations lasted for almost seven years. The supreme issue in the case was whether or not Brown University was in compliance with the Title IX standards. Title IX requires that all educational institutions offer their men and women the same opportunities to participate in athletics, the same amount of scholarship money, and that each sport has the same level of equipment and facilities available. Since the women students at Brown University did not feel as though this equal access was being adequately enforced at their institution, they filed a suit against the University. The official charge filed by these students was that Brown University was not following Title IX and was not providing equal opportunities for women. (Holhut 1)

The statistics in this case are profound and support the convictions of the female athletes at Brown University. Men make up fifty-one percent of the student population at Brown while they encompass sixty-one percent of the student-athletes at the institution. In the 1993-1994 season, Brown University spent \$1.7 million on men's athletics, but only \$875,761 on women's athletes. Even if the football budget of \$638,811 was removed from the budget, the women's athletic budget still remains at a deficit of \$300,000 below the men's budget. (Holhut 1) Thus, even without including the football budget in the comparison between women and men's sports at Brown University, the

statistics support the notion that the school was not in compliance with the standards set by Title IX.

The women from Brown University also cited the variances in budgets between equivalent sports for men and women. For example, in the 1993-1994 season, the men's ice hockey team received \$224,419 while the women's team received a mere \$60,546. Similarly, the men's crew team received \$164,670 for that season while the women's team received \$111,695. (Holhut 1) In addition to these drastic differences in funding between men's and women's sports at Brown University, the women that brought about the allegations against the institution also cited a problem with the school's reaction to a budget cut ordered by the administration in 1992. When the administration of Brown University asked its athletic department to cut its overall budget, the department saved \$77,000 by cutting the men and women's water polo, women's gymnastics, and men's golf instead of cutting some of the funding for football, basketball, and ice hockey. (Holhut 1) Rather than reducing a portion of the funding to these three men's sports, the school decided to eliminate four entire sports for women and men and give all students less opportunities to participate in athletics.

In the Brown case, the judge concluded that the university was not in compliance with Title IX. The women's gymnastics and volleyball teams were ordered to be reinstated as soon as possible. (Holhut 4) However, Brown University decided to appeal the court's ruling. A decision on the appeals case was garnered in 1995, when the court expressed the decision that Brown University indeed violated the Title IX policy. Then, the university decided to petition the decision to the ultimate court of the land, the Supreme Court. However, the Supreme Court refused to hear the case and the decision

of the lower court was upheld, requiring Brown University to reinstate the two female sports. After spending over a half of a million dollars in legal fees fighting these allegations, Brown University was forced to evoke immediate changes in their athletic department that would garner the transition toward equality for men and women within their intercollegiate athletic program. (Holhut 4)

The *Cohen v. Brown* case was timely because it attracted major headlines and national media attention and was connected with a momentous event five weeks after the final decision. (Thelin 407) In the weeks after the decision in the Brown case, the National Women's Law Center filed an official complaint with the United States Department of Education. The main complaint of the National Women's Law Center was that nearly twenty-five schools nationwide were in violation of federal law because the funding for male and female athletes was not equal. (Thelin 407)

Although these cases represent only a handful of the pieces of legislation relating to the policies of Title IX, each of them has an important role in shaping the impact of standards today. Clearly, the *Cohen v. Brown* has the most impact on the issue of Title IX compliance today. Despite the fact that Brown University appealed to the highest courts of the land, the decision of the lower court remained intact and the school was required to reinstate the two women's sports that were eliminated in the early 1990's. Arguably, this case provided an opportunity for the Supreme Court to establish a precedent that will be followed for several years. Also, the Brown case is an example for other institutions and will force them to follow the principles of Title IX.

These cases represent a handful of situations in which the individuals decided to defend their rights of gender equity. A majority of women that feel as though their rights

have been violated do not express their complaint in the United States courts system. This lack of legal action is partially because the government is slow to respond. In addition, "...few girls or women have been interested in going into debt and giving up years of their live to see if they can force a sports program to change (especially because they would usually be too old to benefit from the change even it they did win the case in a number of years)" (Coakley 214). However, the courts may become more accessible in the future because women are able to sue universities for personal damages for these types of cases. (Coakley 214) Consequently, the courts will almost certainly be evaluating a multitude of gender equity cases in the future.

The issue of the elimination of men's sports is, without a doubt, the largest topic of debate surrounding Title IX. The supporters of Title IX and its rigid compliance standards suggest that the elimination of men's nonrevenue sports began before the inception of the Educational Amendments of 1972. They suggest that these budget cuts resulted from the men's revenue sports, often football and basketball, spending more money than was allocated in their budgets. The football and basketball teams were granted the extra funding, while the men's nonrevenue sports experienced budget cuts or were eliminated entirely. However, the opposition suggests that the Title IX legislation has had a direct effect on the abolition of men's sports, particularly those that are not revenue producing. The American Football Coaches' Association and various wrestling groups support this opinion across the country. The heart of the debate is whether the claims, either positive or negative, have been supported by single cases or through an analysis of the state of intercollegiate athletics in 2002 versus 1972.

Individuals on both sides of the debate would agree that the state of intercollegiate athletics has changed over the past thirty years. The athletic programs have experienced exponential growth in size, stature, and funding. The women's programs have experienced a greater rate of growth than the men's sports programs. Studies from the 1997 NCAA Report suggest that "...the increases in the numbers of women's sports programs between 1978 and 1996 were not accompanied by a large-scale downsizing of men's programs" (Sabo 30). In addition, the reports states that the increases in the men's budgets between 1992 and 1997 were greater than the entire cost of the women's athletic programs in Division I. During this era, the women's programs in Division I-A gained an estimated \$400,230 in funding that contributed to recruitment, scholarships, and salaries for coaches. During the same period of time, the men's programs in Division I-A received an increase of \$1.37 million, sixty-three percent of that was allocated to the football programs across the nation. (Sabo 30) Thus, this data suggests that "...rather than blaming women athletes for program cuts that occurred in Divisions I-A and I-AA, it seems more likely that the cutbacks in men's nonrevenue sports and the shortchanging of women's sports may be related to overspending in other areas of the men's operating budgets" (Sabo 30).

Supporters of Title IX have data to reinforce their viewpoint that the improvement of men's sports has not led to the overall elimination of men's nonrevenue sports across the nation. The women's sports advocates recognize that there is a problem with the elimination of any sports team, whether male or female. However, they often point out that the blame for the cutting of men's sports lies in the choices made by administrators. These athletic administrators allegedly allocate an inordinate amount of money towards

their respective football programs. (Rubarth 29) In addition, the advocates of Title IX suggest that the school administrators refuse to restrain the football programs and coaching demands, which leads directly to the elimination of sports for men and women alike.

The followers of Title IX also claim that the legislation has not caused a decrease in men's sports because of the differences in funding. The resources for men's sports have been steady throughout the enforcement of Title IX and have even increased substantially at some institutions. Between 1972 and 1997, the money spent on men's sports was double the amount spent on women's athletics. In addition, during the period between 1992 and 1997, there was three times as much money spent on men's athletics than on women's athletics. (nwlc.org) Therefore, the proponents of Title IX and women's athletics suggest that although women are being granted more opportunities to participate in sports, the increase in opportunities does not result in a decrease in funding for the men's sports.

According to recent calculations, the spending for men's sports has not diminished in the last few years. Throughout 1992 through 1997, the men's athletic operating budgets increased by 139%, while the expenditures for women increased by only 89%. (nwlc.org) The supporters of Title IX point out the fact that Title IX has not deprived men of the opportunities to participate in athletics, but the problem resides in the fact that the resources available to schools has not been allocated justifiably among the men's and women's sports teams. The football and basketball teams utilize sixty-nine percent of the total men's operating budgets for Division I-A institutions nationwide.

(nwlc.org) The other sports must compete for the remaining funds and this inequitable spending often results in the elimination of men's sports teams.

The followers of Title IX offer several suggestions for the problems faced by some minor men's sports. The alternatives for cutting back on Title IX enforcement, according to the National Women's Law Center, while preserving the existing sporting activities for males and increasing opportunities, are listed below.

1. Reduce bloated athletic budgets by calling on the NCAA to play a leadership role in adopting cost-cutting measures. NCAA leadership is essential to ensure that individual universities do not suffer a competitive disadvantage from cost-cutting, and to help institutions that lack the political will to confront budgetary excesses in some existing teams without eliminating athletic opportunities for students.
2. Require the U.S. Olympic Commission (USOC) to submit an annual report to Congress, prepared in conjunction with the National Governing Body for every Olympic sport, analyzing participation in each Olympic sport at all levels, including youth sports, community sports, and interscholastic and intercollegiate sports. Although the Amateur Sports Act of 1978 currently requires the USOC to submit an annual report to Congress, the report does not break down participation data by sport or provide a thorough analysis of sport participation at all levels. A more thorough report could then be used to guide the USOC to channel funds into endangered Olympic sports.
3. Promote expanded athletic opportunities for women to increase compliance with title IX. At the state level, one way to assist financially-strapped institutions to increase opportunities for women is to provide tuition waivers for female athletes, thus enabling schools to free up scholarship dollars to fund new programs for women. The state of Washington has enacted such legislation, with great results.
4. Promote women's opportunities in traditionally male sports. Intercollegiate wrestling, for example, is a sport played increasingly by women. Efforts to expand opportunities for women to participate in traditionally male sports, a part of a broader strategy to increase women's athletic opportunities, can assist universities in complying with title IX and strengthening the existing men's program at the same time.

(nwlc.org)

Nonetheless, many individuals feel that the Title IX legislation is directly responsible for the downfall of men's sports and the overall well being of the nation's athletic programs. Members or supporters of men's nonrevenue sports, such as wrestling, tennis, swimming, track, and cross-country, among others, often hold this viewpoint. Between 1994 and 2001, each of these sports has lost at least twenty intercollegiate athletic programs nationwide. (Lynch 34) It seems as though basketball is virtually the only men's sport that is not vulnerable to these budget cuts. Even those men's programs that receive supplemental funding from alumni and those that have perennial winning traditions are not safe from being eliminated at some institutions. For example, UCLA cut its men's swimming and diving team in 1994 even though the team produced Olympians on a consistent basis. Instead, the school decided to add women's soccer and water polo to their athletic department. (Lynch 35) These questionable actions by various schools across the country have led to many to radically oppose Title IX.

Both wrestlers and their fans have voiced their resistance to the Title IX legislation for several years. This is a direct result of the fact that wrestling is one of the sports that is most often removed from athletic departments nationwide. The University of Chicago wrestling coach, Leo Kocher, claims that there have been massive cuts for men's programs. While evaluating an NCAA press release, he suggests that, between 1992 and 1997, more than 200 men's teams were cut and that 20,000 opportunities for men to participate in athletics have been eliminated. In addition, he claims that only 5,800 roster spots were added for women in the same period of time. (Lynch 34) Similarly, statistics from an *Associated Press* article suggest that there are only 6,345 collegiate wrestlers today versus the 9,000 that competed in the 1970's. (Leskanic 2)

Many other wrestling coaches and supporters of other men's nonrevenue sports share the opinion regarding the fact Title IX is destroying opportunities for men to participate in collegiate athletics.

Many schools have been forced to drop men's sports in order to comply with the gender equity standards raised by Title IX. For example, Miami University of Ohio dropped several men's nonrevenue sports in 1999. The sports eliminated from Miami (OH) include wrestling, men's soccer, and men's tennis. (Lynch 34) In the same year, the University of New Mexico dropped wrestling, men's gymnastics, and men's swimming and Diving. Brigham Young University removed wrestling and men's gymnastics while the University of Miami (FL) cut their men's swimming and diving programs in addition to the men's crew team. (Lynch 34) Many individuals are using these examples as support for their opposition toward the Title IX compliance standards. One such individual suggests that "...misguided feminist lawsuits and political lobbying have changed Title IX from a vehicle to open up opportunities for women to a scorched earth policy whereby the destruction of men's athletics has become an acceptable substitute for strengthening women's athletics" (Sacks 2).

Yet another school that decided to eliminate one of their men's nonrevenue sports is Marquette University. Upon budget crises in 1992, the school officials decided to terminate their support and funding for the wrestling program. However, the program remained intact for an additional seven years, at the hands of alumni that raised the necessary financial support. Despite the fact that the team was privately funded, the administrators at Marquette still had to consider the wrestling team as part of their intercollegiate athletic program and the sport was ultimately dropped because of the

proportionality requirement of Title IX. (Nickel 2) Due to the fact that many other men's teams have lost the reverse-discrimination cases in court over the last several years, the members and supporters of the Marquette wrestling team decided not to sue the university.

Simultaneous to the addition of various women's sports nationwide, many schools, in addition to those mentioned previously, are eliminating sports for men. A total of sixty-one Division I universities reported that they incurred losses in the total number of male athletes between the 1998-1999 and the 1999-2000 athletic years. The data depicted below outlines the exact number of male athletes in each year in addition to the percentage change over the two-year span.

	Number Of Male Athletes		Percentage Change
	1998-1999	1999-2000	
Division I-A (BCS)	358.6	362.0	+0.9%
Division I-A (Non-BCS)	304.1	306.7	+0.9%
Division I-AA	285.2	284.5	-0.3%
Division I-AAA	151.0	148.8	-1.5%

(chronicle.com/free/v47/i36/36a04602.htm)

While the athletic directors are trying to level the playing field for males and females at their respective institutions, the result of the reduction of men's sports is often the result. However, men continue to outnumber their female counterparts in athletic participation rates. In 1999, there were 207,592 men participating in collegiate athletics while only 145,832 women were participating in the same year, but the men had 330 fewer teams than the women. Between the years of 1992 and 2000, the American institutions added approximately three times as many women's teams as men's teams, while they also terminated twice as many men's teams as women's teams. (Fenoglio 778)

Therefore, there is little doubt about the profound nature of this data, especially for those that oppose the enforcement of the gender equity compliance issues of Title IX.

Some individuals claim that the reason for the elimination of selected men's sports is a result of the increased funding for football programs. Thus, some individuals suggest that the central problem surrounding Title IX is the sport of football. The critics of Title IX suggest that the equity standards are misleading when it comes to counting the football athletes and expenses, without considering the revenue building capabilities of the sport. The standards of Title IX do not take into account the revenue generating capabilities of these schools. A few revenue-producing men's sports at the University of Southern California account for over ninety-nine percent of the twenty million dollar total revenue generated by the athletic department. (Sacks 2) A similar condition is evident at the University of California Los Angeles. At UCLA, the football program accounts for over forty percent of the athletic revenues for the year, amounting to approximately fifteen million dollars in yearly revenue. These two California institutions represent only two of the schools that embody seventy-percent of the nation's football programs that generate a profit. (Sacks 2) These critics of Title IX are eager to point out the fact that, although football requires a large amount of funding, it is simultaneously responsible for generating revenues for the athletic department.

Although it generates the most revenue on average, football is also the most expensive college sport. Of the average 1.38 million-dollar increase in expenditures of the Division I-A sports programs over the last five years, \$872,000 (sixty-three percent) went to fund football programs. This astounding increase in spending during the past few years "...exceeds the entire average operating budget for all women's sports in 1997 by

over two-hundred thousand dollars” (nwlc.org). When athletic budgets have to be reduced, men’s and women’s sports tend to be eliminated. In order to keep a balance of men’s and women’s participation rates; the men’s nonrevenue sports are often the first to be removed. However, in the end there are fewer opportunities for both men and women, “...all due to the sacred cow status of football (and to a lesser extent, men’s basketball)” (Leskanic 1). The sport of football is also in question in regards to the fact that there is no equivalent sport for women. Due to the Title IX legislation, institutions are required to maintain a reasonable balance between athletic opportunities for men and women. Football causes many problems for schools that are attempting to achieve gender equity and compliance with Title IX standards.

Therefore, the debate over whether Title IX has led directly to the elimination of men's nonrevenue sports remains unresolved. Many supporters of Title IX suggest, with evidence, that the elimination of sports started prior to the beginning of Title IX and about the fact that both men's and women's nonrevenue sports have been removed. However, those individuals that are avidly fighting against this legislation claim that Title IX is diminishing the state of collegiate athletics. The individuals that object to Title IX support the notion that changes must be made with respect to the regulation and its enforcement. This debate is apparently an ongoing affair and has a profound effect on college sports for both men and women.

Initially, the Title IX regulations did not have much of a bearing upon women participating in collegiate athletics or for women in professional positions associated with sports. The mission of Title IX was to enforce the equality of the participant's experiences and not to serve as an equal employment act. Even "...two decades after the

passage of a bill touted by many to be the deliverer of women's sports, women in the field of sports media have seen little change" (Rubarth 53). In the beginning, Title IX had little direct effect in the areas outside of the institutional level.

Recently, however, the presence of women in professional positions has greatly improved. Women are becoming more dominant in the sports media positions, especially those that cover female sports. They are also becoming sportscasters for local and national television organizations. The tremendous growth of women participating in athletics opened the door to greater interest and acceptance of women in a formerly male-dominated profession. (Rubarth 53) Despite these gains of women in sports media positions, the women are mostly constrained to covering women's sports and the entrance into covering men's sports is a more difficult process. Therefore, Title IX has helped significantly in giving women the opportunity to enter the field of sports media, but the battle to have more of a presence in covering male sports is ongoing.

Prior to Title IX, only the elite women that had tremendous athletic achievements were able to enter the field of sports media. For example, Olympic swimmer Donna de Varona was the first woman to use her accomplishments to get a position in sports media. When she began her career in 1965, Donna de Varona was the first woman on network television broadcasting. (Rubarth 53) In addition, Phyllis George also entered the field of television broadcasting when she appeared on *NFL Today* in 1975. She was directly responsible for paving the way for other females to enter the broadcasting field. (Rubarth 53) However, as of 1992, fewer than fifty women were working as sportscasters at the six hundred and thirty stations nationwide. (Rubarth 53) Women are gaining ground and

with the help of many additional sportscasters entering the field, they are beginning to move through the apparent glass ceiling in the sports media field.

With respect to increased entrance in the athletic administration careers and coaching positions, Title IX had little direct effect on helping women enter these fields. Women are discouraged from entering these positions because of unreasonably low salaries with respect to their male counterparts. In a NCAA survey conducted in the year 2000, seventy-five percent of the women participating in college athletics claimed that they were interested in careers in the coaching or sports administration profession, but that they did not offer reasonable salaries as other positions in the market. (feminist.org) The coaches of women's teams are consistently paid less than the coaches of men's teams. Out of fourteen Division I sports reviewed in the United States, the men's head and assistant coaches' salaries were more than those of the women, according to a 2000 NCAA survey. For example, the average men's basketball salaries nationwide for men equaled \$71,511 while the average salary for a woman in the same position was a mere \$39,177. In addition, the average combined spending for men's coaching salaries equaled \$625,396 while the coaching salaries for women only reached \$227,871. (feminist.org) Therefore, although most schools offer more men's than women's programs, the salaries that are offered are extremely diverse and do not increase the pool of candidates that might be interested in entering into a sports-related position.

Title IX does not require the coaches of male and female sports to be paid the same amount. The pay for women significantly lags behind the salaries for male coaches. The average salaries are calculated on the total number of coaches, instead of the number

of full-time equivalents. (Jacobson 3) The first chart located below highlights the number of Division I coaching positions that are held by men and women.

All Division I	Male Coaches	Female Coaches
Head Coaches of men's teams	2389	57
Assistant Coaches of men's teams	5738	320
Total Number who are coaching men	8127	377
Head Coaches of women's teams	1394	1245
Assistant Coaches of women's teams	1827	2440
Total Number who are coaching women	3221	3685

(Jacobson 3-4)

Based upon the chart data, the number of female coaches for men's teams is far less than the number of men that are coaching female teams. There is also a drastic difference in the numbers of coaches that are male and female. This difference may be explained by the differences in salaries between male and female coaches. A comparison between the average coaching salaries for men's and women's Division I coaches is located below.

Average Salaries				
	Women's Teams		Men's Teams	
	Assistant Coach	Head Coach	Assistant Coach	Head Coach
Division I-A (BCS-conferences)	\$27,803	\$62,124	\$55,815	\$116,254
Division I-A (Non-BCS conferences)	\$21,534	\$42,735	\$40,093	\$75,700
Division I-AA	\$15,096	\$29,918	\$21,653	\$42,771
Division I-AAA	\$15,136	\$29,589	\$18,899	\$39,285

(Jacobson 4)

There is a drastic variance within the conferences for the male and female head and assistant coaching salaries, but even a greater difference when considering a comparison of figures between the conferences themselves. This factor of lower salaries may be

driving females away from the coaching profession into careers with more opportunities for monetary compensation.

The other factor attributed to a reduced amount of women working in sports-related profession relates to homophobia and the fear that women will be perceived as lesbians if they enter these positions. A majority of the female administrators consulted by the Feminist Majority Organization claimed that their involvement in sports often led outsiders to assume that they were lesbian. Fifty-one percent of the female administrators and coaches agreed with this notion. In addition, forty-six percent of the athletes surveyed believed that outsiders perceived them as lesbians, similar to the women in the athletic profession. Virtually every individual in the survey felt as though this stereotype is an obstacle in attracting and retaining women in the professional sports-related positions. (feminist.org/research/sports4.html)

In conjunction with the fact that women are not given an equal chance to participate in sports, they are less likely to become involved in athletics because of the fact that female athletes are often discriminated by being labeled as lesbians. These fears of homophobia are widespread in the current society and can be harmful. Homophobia often "...leads many young women to be confused and ashamed as they deal with real questions about their own sexuality, and it leads lesbian women to hide their identities as they interact with teammates who fear lesbian labels" (Coakley 231). This stereotyping is evident not only in college athletics, but in the administrative and coaching ranks as well.

Homophobia in sports causes discrimination against women and often turns them away from accepting athletic scholarships or professional positions. Although a woman's

sexual orientation should not inhibit her decision in these matters, many females feel as though the societal perceptions and pressures make it difficult to pursuing such activities. It hurts women "...by perpetuating the stereotype that sports are not feminine, thus preventing some girls and women from enjoying athletic participation and successful careers in athletics" (feminist.org/research/sports4.html). Although Title IX has ultimately broken a portion of the glass ceiling in the sports media profession, concerns still remain over the issue of homophobia and the coverage of men's sports by female writers and sportscasters.

The increased participation of women in sports provides powerful dividends in the realm of society. It affords women the opportunities to connect with the power of their own bodies. (Coakley 224) Many females equate themselves as beings that are supposed to be looked at and evaluated, based on the social standards and expectations. But, "...because identity and a sense of power are grounded in a person's body and body image, sport participation can help women overcome the perception that their bodies are object" (Coakley 224). In addition to the physical advancements, participation in sports has been proven to help women feel less susceptible, gain a sense of independence, and obtain an increased sense of security. (Coakley 224) This increase in participation, since the gender equity issues have been raised, is augmenting the status of women in the United States in conjunction with their positive contribution to society.

Perhaps the greatest impact of Title IX on women's collegiate athletics is the increased numbers or participants through the addition of various female sports nationwide. Many studies depict that "...sports participation enhances the status of females as well as males in our society" (Durrant 61). It is critically important for

women to be given the same opportunities to participate in sports so that they may increase their athletic skills as well as the ability to succeed in life. Title IX has enabled women across the country to experience collegiate athletics, while receiving a valuable education.

In the period between 1971 and 1980, the number of women participating in collegiate athletics increased from fifteen to thirty percent. (Durrant 61) A majority of this increase resulted from the institutions voluntarily expanding the women's athletic programs. Additional momentum occurred during the 1975-1976 season when Title IX required the institutions to conduct self-studies regarding compliance with the gender equity standards. (Durrant 61) This trend continued exponentially through the 1980's and 1990's and by the 1998-1999 season, there were 148,303 women competing in athletics at Division I institutions and the number of female teams equaled 8,374 nationwide. (Lynch 32) Therefore, the women in collegiate athletics comprised approximately forty percent of the total number of student-athletes during the 1998-1999 season and significantly narrowed the gap between athletic participation by men and women in college sports. (Bryjak 63)

According to a study conducted to assess the number of female athletes participating in collegiate athletics, 182 out of the 321 total institutions reported an increase in the number of female athletes on campus from the fall of 1998 to the conclusion of the 2000 spring season. The chart on the following page depicts a comparison of the average figures for the numbers of female athletes during the two athletic seasons.

		Number of Female Athletes		Percentage Change
		1998-1999	1999-2000	
Division I-A (BCS)		257.8	265.6	+3.00%
Division I-A (non-BCS)		189.5	197.2	+4.00%
Division I-AA		195.0	198.8	+1.90%
Division I-AAA		141.3	142.2	+0.70%

(chronicle.com/free/v47/i36/36a04602.htm)

According to data by the General Accounting Office, the number of opportunities for women to participate dramatically increased since the initiation of Title IX in 1972. According to a survey conducted by this government department, 14,500 spots appeared during the span between 1985 and 1996. This is a sixteen percent increase in opportunities for women to participate in college athletics. (Lynch 34) However, the trend must continue in the future because the average numbers of female participants do not resemble the number of individuals that are currently participating in men's athletics.

The federal guidelines offer three different ways for the colleges and universities to determine whether they are providing enough opportunities for females to participate in athletics. The choice that most schools utilize involves a measurement of the proportion of athletes that are women compared with the total number of undergraduate female students. A positive difference is indicative of the fact that the percentage of women athletes exceeds the percentage of the undergraduate population that is women. A negative difference suggests that the percentage of females to total athletes is less than the proportion of women to the total number of undergraduate students. This indicates a problem for the university since they are not in compliance with the federal regulations regarding gender equity. The table on the following page highlights the 1999-2000 average figures for various Division-I institutions.

	Female Undergraduates		Female Athletes			
	Number	Proportion	Number	Proportion	Difference	Difference in 1998-1999
Div. I-A (BCS Conf)	9,384.3	50.2%	256.6	42.0%	-8.2	-8.3
Div. I-A (Non-BCS)	6,515.0	51.7%	197.2	40.2%	-11.5	-12.7
Div. I-AA	3,751.7	54.1%	198.8	40.4%	-13.7	-14
Div. I-AAA	3,594.1	57.7%	142.2	48.5%	-9.2	-9.7

(chronicle.com/free/v47/i36/36a04601.htm)

The chart depicts the fact that although the percentages of women to athletes has improved since 1998, there is still a deficiency in the number of female athletes relative to the number of undergraduate women at each institution. It is important to point out the fact that these figures are representative of the averages for each of the Division I classifications and that various schools indeed possess positive differences between these figures.

The National Association for Girls and Women in Sport identified three groups of minorities in sports, including ethnic, disabled, and mature women. (Abney, Richey 56) Ethnic women have had an extremely difficult time when attempting to participate in collegiate athletics, especially before the inception of Title IX. In the first ten years following Title IX, an estimated 10,000 female athletes received scholarships that were worth approximately seven million dollars. Although many schools were awarding these scholarships and national championships increased the number of participating athletes, the numbers of black female athletes were not fairly represented. (Abney, Richey 56)

In two studies conducted in 1978 and 1980 respectively, Alexander and Murphy concluded that most minority women were not experiencing the same equality standards as white females during the same period. In the Alexander study, she concluded that, of the 213 schools participating in the survey, only 1,012 black women of 17,298 total

female athletes were involved in university-sponsored athletics. In addition, she revealed that there were only 64 black coaches out of the 1,185 female coaches. (Abney, Richey 56) In a report conducted by Murphy two years later, she surveyed 204 colleges and universities and found that 1,058 black athletes participated in college sports and a total of 12,340 nonblack female athletes competed during the 1980 season. Murphy's study suggested that the situation for black female athletes improved in the two-year span, as black athletes comprised 8% in 1980 after making up only 6% in 1978. (Abney, Richey 56)

Some individuals suggest that the reason for the disproportionate amount of black female athletes is the problem of stereotypes. Black women had limited opportunities to participate in most college sports, except for basketball and track and field. (Abney, Richey 56) Black women tended to cluster within these sports because many African-American counterparts, providing a sense of security, joined them. This stereotyping has hindered the increase of the numbers of black athletes participating in athletics and their ability to play all sports at each institution.

Black women have to deal with multiple factors of discrimination, both racism and sexism. This is particularly prevalent when women take part in sports or work in the athletics departments of predominantly white institutions. According to the research conducted by Alexander and Murphy, a majority of the black women that were interviewed discussed instances when they were excluded from participating in events, certain positions of leadership, and finally from becoming involved on sport-related committees. This discrimination seems to be evident in the interview process for athletic executives as well. (Abney, Richey 57) Therefore, shortly after the beginning of Title IX,

many black women were not experiencing the same opportunities as the white student-athletes.

Yet another group that has experienced discrimination are athletes with disabilities. The most apparent problem for the disabled athletes is equal opportunity, especially concerning access to equipment, facilities, and the availability of coaches. Similar to the black female athletes, stereotyping impedes the disabled athletes from participating in sports. These individuals do not want to be classified as “disabled athletes,” but rather as an athlete with a specific disorder, such as cerebral palsy. This classification carries more pride than being integrated with individuals suffering from other disorders. (Abney, Richey 57) Disabled athletes prefer that observers will focus on their abilities rather than their disabilities.

Significant progress has been made in the scope of equal opportunities for athletes with disabilities. Title IX did augment the opportunities for disabled individuals, but additional legislation was responsible for increasing the opportunities for these athletes. The Amateur Sports Act of 1978, six years after Title IX, included provisions for equal opportunities for women, people with disabilities, and individuals of racial minorities. This act was designed to increase participation and awareness of athletes with disabilities. Another piece of legislation, Public Law 93-112, Section 504, stated, “...that equal opportunity and equal access must be provided for persons with disabilities, specifically including physical education services, intramural activities, and athletics” (Abney, Richey 58). With the help of several other legal acts, Title IX continues to aid the plight of disabled athletes that wish to participate in athletics.

“All the studies, all the statistics, and all the signs say the same thing: There has never been a better time to be a female athlete in college” (Suggs 1). The number of women on intercollegiate athletic teams continues to rise, while the budgets for women’s sports are rising faster than those for men’s sports, especially in the area of scholarships. However, the increasing costs of initiating new teams is causing athletic departments to restructure, often causing the schools to inevitably favor money-making programs over the other sports. This result is not necessarily good for either the male or female intercollegiate athletes.

The push toward gender equity in college athletics comes at a difficult time, especially when considering the continual rise of budgets and expenses. In the 1999-2000 athletic season, the average athletic department budgets increased by more than \$1 million over the previous two years. The \$11.2 million average budget to the 1999-2000 season is continually rising and is expected to increase yearly. (Suggs 4) Football is obviously the most expensive sport at most institutions and only fifteen Division I-A schools spent more on the entire women's sports program than they did on the football team. Spending for men's nonrevenue sports is also rising for the most part. The Division I-A schools, excluding the Bowl Championship Series (BCS) institutions, spent twenty-one percent more on men's nonrevenue sports in the 1999-2000 season than they did in the previous athletic year. The Division I-AA and I-AAA schools also exhibited these rising expenses on the nonrevenue, Olympic sports. However, the BCS schools spent \$3.7 million on average for men's nonrevenue sports, representing a three percent decrease from the previous year. (Suggs 4) The budgets for the intercollegiate athletic

departments nationwide are increasing steadily, as are the spending on most men's nonrevenue sports and women's programs.

Despite the fact that income from highly publicized sports for Division I institutions has increased over the last few years, expenses are rising faster than revenues at 149 out of the 321 schools in this classification. Even at the universities where the revenues are escalating, the athletic directors point out the fact that the situation will not last forever. The "Television contracts have grown as far as they're going to, and ticket revenue is hitting its peak, yet costs continue to grow for revenue and nonrevenue sports alike" (Suggs 4). This situation could give rise to even more problems, especially in conjunction with the gender equity requirements associated with Title IX.

The Title IX guidelines do not establish particular rules on how much the colleges and universities are required to spend on the women's athletic teams. However, the figures are compiled yearly in the Equity in Athletics Disclosure Act reports. The following chart highlights the amount of the total athletic budgets that are being allocated to the women's teams at various institutional levels.

		Operating Expenses for Women's Teams	Total Expenses for Men's/Women's Teams	Proportion
Division I-A (BCS)		\$5,512,149	\$18,908,001	29.20%
Division I-A (Non-BCS)		\$2,507,495	\$8,282,937	30.30%
Division I-AA		\$1,702,238	\$4,464,569	38.10%
Division I-AA		\$1,758,381	\$3,722,145	47.20%

(chronicle.com/free/v47/i36/36a04702.htm)

One section of the Title IX legislation outlines specific numerical figures with which the universities must follow. The only purely numerical section of the federal guidelines under Title IX involves the scholarships that are provided to female student-

athletes. Specifically, "The U.S. Department of Education's Office for Civil Rights has specified that, absent nondiscriminatory circumstances, colleges must award the same proportion of aid (within one percentage point) to female athletes as there are women participating in varsity" (chronicle.com/free/v47/i36/36a04702.htm). The chart of data located below summarizes the relationship between the scholarships provided to female student-athletes in comparison with the total number of female athletes in the various divisions of intercollegiate athletics.

Average By Division					
	Scholarships for Women		Female Athletes		Difference in Proportions
	Amount	Proportion	Number	Proportion	
Division I-A (BCS)	\$1,766,598	40.96%	222.2	41.20%	-0.51
Division I-A (Non-BCS)	\$1,008,448	37.77%	156.6	36.44%	+1.34
Division I-AA	\$787,599	42.32%	163.2	39.74%	+2.57
Division I-AAA	\$884,774	52.95%	126.1	48.14%	+4.81

(chronicle.com/free/v47/i36/36a04801.htm)

Therefore, in conjunction with the addition of women's athletic teams, universities must contend with the expenses required to initiate and maintain the new programs. While the budgets are increasing in virtually every sport, the institutions must maintain a balance of men's and women's not only for the compliance with gender equity guidelines, but to provide adequate funding for each team to remain competitive. Despite the fact that the average overall budget for men's teams outweighs that of the women's that of the women's programs, the expenditures for female sports have increased greatly over the last three decades. This trend is likely to increase with the addition of women's athletic teams and continued support in the future.

IV. Conclusion

In conclusion, Title IX has had a dramatic effect on all aspects of equality in education for females and males since its enactment in 1972. This paper has focused on the equality in sports for both females and males in public high schools, as well as in collegiate athletics. The passing of Title IX alone did not lead to a change towards equality for women in sports. Many people, including parents and athletes themselves, have fought for equality in sports, and after thirty years, the benefits can be seen.

There were not a lot of changes towards equality in the beginning years of Title IX. However, changes slowly started to take place, and after thirty years of the law being passed, females around the United States are reaping the benefits. For example, the number of females participating in high school sports has jumped from 294,015 in 1971 to 2,784,154 in 2001. (nfhs.org) With regard to collegiate athletics, women consisted of only fifteen percent of the total number of college athletes prior to the amendments of 1972, but this number had increased to forty percent by the 1997-1998 season. (Bryjak 62-63) These statistics are integral to one another, because as the number of females that start to participate in sports early in their life increases, so does the number of high school female athletes, and in return, the number of collegiate female athletes increases as well.

It is important for females to participate in sports not only early in life, but also throughout life. One of the biggest benefits of females competing in sports is their academic record. Female high school athletes have higher grades, higher scores on achievement tests, and are more likely to graduate than non-athlete female students. In addition to academics, female athletes are 92% less likely to get involved in drugs, 80% less likely to have unwanted pregnancies, and more likely to delay sexual encounters.

(igc.apc.org) Sports allow females to gain the knowledge and skills that will propel them to success throughout their life, especially in their careers. For example, of all the Fortune 500 company female managers, eighty percent have a sports background. This speaks for itself in regard to the fact that sports help females gain important skills that can be utilized later in life.

Not only has Title IX allowed more females to participate in sports, but it has also contributed to the increase of women working in sports-related industries. With more females participating in sports, female's knowledge of sports had increased, which had lead to positions in sports casting. Also, the increase of women sportscasters is also due to the increased number of female athletics being televised. Even though Title IX is not an equal employment act, indirectly Title IX has lead to an increased number of females in sports media positions.

Women in sports media positions have dramatically increased with respect to Title IX, but unfortunately women in athletic administration and coaching careers has not done the same. Fewer female athletes enter the coaching profession, as female coaches are oftentimes paid a considerably less amount than male coaches. An example of this inequality is the fact that the average men's basketball salary nationwide for male coaches equaled \$71,511 while the average for female coaches in this exact position equaled \$39,177. (feminist.org)

The passing of *Franklin v. Gwinnett County Public Schools* in 1992 had one of the biggest impacts on Title IX. In this ruling, the Supreme Court decided that a plaintiff was entitled to receive punitive damages if the defendant was found to have intentionally ignored or avoided Title IX compliance. (DeVries 2) Before the passing of this

regulation, schools were oftentimes slapped on the wrist if it was proven that they had avoided compliance. However, *Franklin v. Gwinnett County Public Schools* caused schools to reconsider how they were dealing with Title IX. If it was proven that a school was not in compliance, the school could end up paying a greater amount of money to the plaintiff than they saved by avoiding compliance.

Perhaps the collegiate case that has had the greatest impact on colleges throughout the nation is the case of *Brown v. Cohen*, filed in 1991. Gymnast Amy Cohen filed the suit because she, along with other female gymnasts, felt as though equal access was not being adequately enforced at the university. For example, during the 1993-1994 sports season, Brown University spent \$1.7 million dollars on men's athletics, but only \$875,761 on women's athletics. Even many of the budgets between the same sports for females and males received a major inequality in monetary support. For example, in 1993-1994, the men's ice hockey team received \$224,419 whereas the women's ice hockey team received \$60,546, a difference of \$163,873. Another such example is the crew teams, in which the men received \$164,670 while the women received \$111,695, a difference of \$52,975. (Holhut 1)

In the case against Brown University, the judge ruled in favor of Amy Cohen, concluding that the university was not in compliance with Title IX. The judge ordered Brown University to reinstate the women's gymnastic and volleyball teams as soon as possible. Brown University appealed, as well as petitioned to the Supreme Court, but to no avail. The Supreme Court refused to hear the case, upholding the lower court's ruling. *Brown v. Cohen* paved the way for many colleges around the country, and within five weeks of the decision, the National Women's Law Center filed an official complaint with

the United States Department of Education which stated that nearly twenty-five schools nationwide were in violation of Title IX, as the funding for women and men athletes was not equal. (Thelin 407)

As the *Brown v. Cohen* case demonstrates, even twenty to thirty years after the enactment of Title IX, inequalities still exist. According to Martha Randel, a Title IX advocate in Indiana, there is not one high school within Indiana that is in compliance with Title IX. Title IX has been in effect for thirty years, and schools have made tremendous strides towards equality, yet not one high school in Indiana, as well as most high schools throughout the nation, has achieved total equality for females and males.

According to the National Women's Law Center, "female athletes still have a long way to go before Title IX's mandate of equality becomes a reality in our nation's sports programs" (nwlc.org). Because of this, the NWLC continues to fight for, as well as defend, women's rights according to the federal law of Title IX.

We have yet to reach the point of fairness in America's education sports programs when the boys/men are willing to exchange their programs for the girls/women's programs. True equity will be reached when male athletes are willing to accept what the female athletes are receiving in their sports programs (aahperd.org).

Title IX will continue to grow, causing increased equality in female athletics, in the future. Advocates of Title IX need to continuously demand the attention that Title IX deserves, causing compliance to be achieved in every public high school, as well as college, throughout the nation.

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